

Message Text

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TO AMEMBASSY MOSCOW IMMEDIATE

AMCONSUL LENINGRAD

C O N F I D E N T I A L STATE 109336

EXDIS

E.O. 11652: XGDS-3

TAGS: PFOR, UR, US

SUBJECT: HANDLING OF POSSIBLE ASYLUM REQUESTS

REF: MOSCOW 5958

1. DEPARTMENT HAS REVIEWED 2 FAM 228 AND DISCUSSED PROBLEM WITH INTERESTED AGENCIES. NAVY IS REPEATING CONTENTS OF THIS MESSAGE TO ITS TWO SHIPS. NAVY WILL ALSO INSTRUCT SHIPS TO EXERCISE NECESSARY PRECAUTION IN IMPLEMENTATION OF STANDARD PROCEDURES FOR CAREFULLY CONTROLLED VISITING ONBOARD SHIPS SO AS TO MINIMIZE ANY OPPORTUNITY FOR STOWAWAY ATTEMPT.

2. WE BELIEVE IT PARTICULARLY IMPORTANT, AND NAVY CONCURS, THAT ALL SHIP PERSONNEL LIKELY TO BECOME INVOLVED IN ASYLUM REQUESTS UNDERSTAND THAT USG POLICY, PER 2 FAM 228.2 AND SECNAV INSTRUCTION 5710.22, IS NOT REPEAT NOT TO GRANT
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ASYLUM AT ITS UNITS WITHIN TERRITORIAL JURISDICTION OF A

FOREIGN STATE (IN CONTRAST TO THE KUDIRKA INCIDENT, WHEN ASYLUM REQUEST WAS MADE ON US UNIT WITHIN US TERRITORIAL JURISDICTION).

3. SHOULD ASYLUM ATTEMPT OCCUR, ASYLUM-SEEKER MUST BE INFORMED FORTHWITH THAT UNDER CIRCUMSTANCES OF CURRENT SHIP

VISIT ASYLUM CANNOT BE AFFORDED AND THAT IT IN HIS OWN BEST INTERESTS TO LEAVE SHIP PROMPTLY. AT NO POINT WHILE HE IS ON US VESSEL SHOULD ASYLUM-SEEKER BE GIVEN ANY REASON TO ASSUME HE WILL BE GRANTED ASYLUM. FYI WE THINK IT LIKELY SOVIETS WOULD SEEK TO OBSTRUCT DEPARTURE OF SHIPS IF ASYLUM-SEEKER KNOWN TO BE ABOARD. END FYI.

4. CARE SHOULD OF COURSE BE TAKEN TO ENSURE THAT SOVIET AUTHORITIES DO NOT REMOVE ANY ASYLUM-SEEKER FROM SHIP AGAINST HIS WILL.

5. CONTINUOUS EFFORT SHOULD BE MADE, BY CONGEN RUSSIAN-SPEAKING OFFICER IF CIRCUMSTANCES ALLOW, TO EXPLAIN WHY AFFORDING ASYLUM NOT POSSIBLE AND TO PERSUADE ASYLUM-SEEKER TO LEAVE SHIP. CONGEN OFFICER SHOULD BE AT SHIPS DURING ALL PUBLIC VISITING HOURS AND ON CALL AT ALL OTHER TIMES DURING SHIP VISIT.

6. IF ASYLUM-SEEKER ADAMANTLY REFUSES TO LEAVE SHIP, DESPITE BEING TOLD THAT SHIP CAPTAIN AND US AMBASSADOR REQUEST HE DO SO, DEPARTMENT SHOULD BE INFORMED BY EXDIS CABLE WITH FLASH PRECEDENCE.

7. PER 2 FAM 228.4, DEPARTMENT SHOULD IN ANY CASE BE PROMPTLY NOTIFIED AT FIRST INDICATION OF ASYLUM SITUATION, VIA EXDIS CABLE WITH IMMEDIATE OR FLASH PRECEDENCE. NAVY SHIPS SHOULD ADDITIONALLY COMPLY WITH PARALLEL REPORTS IN ACCORD WITH SECNAV 5710.22. HOWEVER, VOLUNTARY DEPARTURE OF ASYLUM-SEEKER FROM SHIP NEED NOT BE DELAYED PENDING INITIAL NOTIFICATION TO DEPARTMENT. KISSINGER

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